

REMARKS

Claims 1-10, 13-23, and 26-28 are pending and remain. Claims 1, 2, 4, 5, 7, 9, 14, 15, 17, 18, 20, 22, and 28 have been amended.

Rejections under 35 U.S.C. § 103(a) over Schmidt and Yau

5 Claims 1-10, 13-23, and 26-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,546,554, to Schmidt et al. (“Schmidt”), in view of U.S. Patent No. 7,155,487, to Yau et al. (“Yau”). Applicant traverses.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness, which includes a clear articulation of the reasons 10 or rationale why the claimed invention would have been obvious. MPEP 2142. Exemplary rationales to support a conclusion of obviousness are listed in MPEP 2143, although the list is not all-inclusive.

The claims appear to be rejected under the rationale outlining combining prior art elements according to known methods to yield predictable results, which 15 includes *inter alia* “a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” MPEP 2143(A). If any of the findings cannot be made, this rational cannot be used to support a 20 conclusion that the claim would have been obvious. *Id.*

Schmidt discloses receiving, installing, and launching applications from a browser on a client computer (Abstract). A JNET helper application is registered with the browser and is invoked when the browser encounters a metafile with a Java Net Launcher (JNL) file format (Col. 5, line 66-Col. 6, line 8; Col. 7, lines 25 50-56). The JNET helper application parses the JNL metafile, which is temporarily stored on the client computer, to identify components that are necessary to launch an application specified by the metafile (Col. 7, line 66-Col. 6, line 1). Any necessary components not previously installed on the client computer are identified and downloaded, and the JNET helper application installs 30 and launches the application identified by the metafile (Col. 8, lines 1-24).

In contrast, Yau discloses distributing data across a network (Abstract). An initial content server sends a message to a server identifying the existence of data to be distributed to client computers (Col. 3, lines 30-35). In turn, the server sends a message to one of the clients to provide notice that data is ready to be 5 distributed and to further provide instructions to send the data to other clients (Col. 3, lines 35-40). The client then connects to the content server to request the data, which is transferred (Col. 3, lines 41-45). Once received, the client transfers the data to the other clients in the instructions from the server (Col. 3, lines 45- 47). Additionally, at least one of the other clients also transfers the data to further 10 clients (Col. 3, lines 47-49).

Claim 1 has been amended to recite a helper mechanism to receive the code bundle providing the network service software for the service through the service host system and to install the network service software using the installation instructions and a service mechanism to provide a service of 15 equivalent functionality to the service of the service host system to one or more other requesting systems that is independent of the service host system. Claim 14 now recites receiving on the requesting system, the code bundle providing the network service software for the service through the service host system on the requesting system, installing the network service software using the installation 20 instructions and providing by the requesting system, a service of equivalent functionality to the service of the service host system to one or more other requesting systems that is independent of the service host system. Claim 28 now recites means for receiving on the requesting system, the code bundle providing the network service software for the service through the service host system, 25 means for installing the network service software using the installation instructions, and means for providing by the requesting system, a service of equivalent functionality to the service of the service host system to one or more other requesting systems that is independent of the service host system. Support for the claim amendments can be located in the specification on page 9, line 25 to 30 page 10, line 5; and page 17, line 26 to page 18, line 3. Thus, no new matter has been entered.

The Schmidt-Yau combination fails to teach or suggest such limitations. Instead, Yau teaches distributing data to multiple nodes on a network using network bandwidth of recipient nodes to reducing the bandwidth requirements of a centralized server (Col. 2, lines 59-67). A distribution server sends a message to 5 a client, including a notification of available data and a list of other clients to send the data (Col. 3, lines 30-35). Once informed, the client requests the data from a content server and sends the data to the other clients on the list (Col. 3, lines 35-40). Thus, the client relies on instructions from the content server to transmit available data to other clients. Therefore, Yau teaches transmitting data from one 10 client to another *based on* instructions from a distribution server, rather than downloading service software from a requesting device by another requesting device, independent of a host system.

Additionally, Schmidt fails to remedy the shortcomings of Yau. Schmidt focuses on installing and launching applications, rather than allowing a request 15 system to become a service host system (Spec., page 17, lines 26-29). Thus, Schmidt fails to teach providing “functionality equivalent to the network service independent of the service host system” (Office Action of April 24, 2009, page 3, point 6).

Accordingly, a *prima facie* case of obviousness has not been shown. 20 Claims 2-10 and 13 are dependent on Claim 1 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Claims 15-23, 26, and 27 are dependent on Claim 14 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

25 The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.

Further consideration and examination of the application are respectfully requested. Claims 1-10, 13-23, and 26-28 are believed to be in condition for 30 allowance. A Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated

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with the present matter.

Respectfully submitted,

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